

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARK ZAVALA, AE8159,

Petitioner,

v.

MARK BITER, Warden,

Respondent.

No. C 15-2247 CRB

**ORDER GRANTING IFP STATUS ON
APPEAL**

Petitioner Mark Zavala moves the Court for a waiver of his filing fee on appeal. See Mot. (dkt. 26). The Ninth Circuit will waive its filing fee when an appellant has obtained IFP status from the district court. See 9th Cir. R. 3-1; Fed. R. App. P. 24(a)(3). Petitioner obtained IFP status from this Court; only later did the Court appoint counsel. See IFP App. (dkt. 2); Order Appointing Counsel (dkt. 14). While an appeal may not be taken IFP if the trial court certifies in writing that it is not taken in good faith, see 28 U.S.C. § 1915(a)(3); see also Hooker v. American Airlines, 302 F.3d 1091, 1092 (9th Cir. 2002) (appeal is in “good faith” where it seeks review of any issue that is “non-frivolous”), the Court has no basis to believe that Petitioner’s appeal is frivolous or in bad faith. Accordingly, the Motion for Waiver is GRANTED.

IT IS SO ORDERED.

Dated: July 26, 2016



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

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